

**Board of Respiratory Care
Minutes**

Date: November 17, 2005

Time: 9:00 a.m., C.S.T.

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Billy Alred, Chair
Shirley Brackett
James Hunter, II
Candace Partee
Timothy McGill
Delmar Mack, Ed.D.
Colleen Schabacker
Robbie Bell, Ex Officio

Members Absent: Darryl Jordan, M.D.

Staff Present: Marva Swann, Unit Director
Tomica Walker, Board Administrator
Nicole Armstrong, Advisory Attorney
Ernie Sykes, Advisory Attorney
Jerry Kosten, Regulations Manager
Gerry Crownover, Assistant General Counsel
Lea Phelps, Disciplinary Coordinator

Guests Present: John Williams, Tennessee Society for Respiratory Care
Mike Harkreader, Tennessee Professional Assistance Program
Marcie Poe, Tennessee Sleep Society
Lindsey Spurlock, Tennessee Society of Respiratory Care

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

Office of General Counsel

Ms. Armstrong informed the Board of their responsibilities under the Conflict of Interest Policy. Board members were asked to sign exhibit 4 of the policy in acknowledgement of their understanding of its content.

Ms. Armstrong presented to the Board the Office of General Counsel Report as follows:

Rules:

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1330-1- .22—regarding ABG course requirements
- Tenn. Comp R. & Regs. 1300-1-.05- regarding criminal background checks for initial applicants for licensure

Litigation:

The Office of General Counsel, Tennessee Department of Health, currently has nine (9) open cases pertaining to the Tennessee Board of Respiratory Care. Three (3) cases pertain to Registered Respiratory Therapists; Four (4) cases pertain to Certified Respiratory Therapists; and Two (2) cases pertain to Respiratory Care Assistants.

Agreed/Consent Order or Contested Case Hearings

Mary Kay Cepparulo, CRT—Ms. Cepparulo was not present by the agreement of the parties. The state was represented by Gerry Crownover.

The Board found Ms. Cepparulo to be guilty of unprofessional and unethical conduct on actions stemming from an incident on the job on or around November 1, 2003.

As a result of the above findings, a motion was made by Dr. Mack and second by Mr. Hunter to accept the agreed order as presented and place Ms. Cepparulo's license on probation for a period of 3 years or until such time as she complies with each and every term of the TNPAP contract, whichever time is longer. The motion carried.

Letter of Reprimand

Tiffany Stubblefield, CRT - Ms. Stubblefield was not present by agreement of the parties. The state was represented by Gerry Crownover.

The Board found Ms. Stubblefield guilty of unprofessional conduct by practicing as a Certified Respiratory Therapist without a license.

As a result of the above findings a motion was made by Ms. Brackett and seconded by Dr. Mack to reject the letter of reprimand as presented. The motion carried.

Approval of Minutes

A motion was made by Mr. Hunter and seconded by Dr. Mack to approve the minutes of the August 17, 2005 Board meeting as amended. The motion carried.

Applicant Interviews/File Reviews

Michael Fischer—Mr. Fischer appeared before the Board seeking licensure through reciprocity as a Registered Respiratory Therapist. Upon review by the Board, a motion was made by Dr.

Mack and seconded by Ms. Brackett to refer Mr. Fischer to TNPAP and approve for licensure pending a favorable evaluation from TNPAP. The motion carried.

Michael Harrell—Mr. Harrell appeared before the Board seeking licensure through reciprocity as a Registered Respiratory Therapist. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to grant Mr. Harrell a license. The motion carried.

Monica Harris- Ms. Harris appeared before the Board, seeking licensure as a Certified Respiratory Therapist. Ms. Harris was convicted of 1st Degree Tampering in the state of Indiana in 1996. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to grant Ms. Harris a license. The motion carried.

Barkley Hatton—Mr. Hatton appeared before the Board seeking licensure through reciprocity as a Registered Respiratory Therapist. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to grant Mr. Hatton a license. The motion carried.

Laurie Lindemann – Ms. Lindemann appeared before the Board seeking licensure through reciprocity as a Certified Respiratory Therapist. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to grant Ms. Lindemann a license. The motion carried.

Bob Neely—Mr. Neely appeared before the board for falsifying documents. Mr. Neely is seeking reinstatement of his license. Upon review by the Board, a motion was made by Ms. Brackett and seconded by Dr. Mack to refer Mr. Neely to TNPAP and approve pending a favorable evaluation from TNPAP. The motion carried.

Rules

Jerry Kosten reported on the Rulemaking Hearing that was held October 31, 2005 regarding an amendment to Rule 1330-1-.02 which states (a) any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title and/or acronyms “Certified Respiratory Therapist (CRT)” or “Certified Respiratory Therapy Technician (CRTT)” as defined in T.C.A. 63-27-102. (b) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title and /or acronym “Registered Respiratory Therapist (RRT)” as defined in T.C.A. 63-27-102. (c) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to practice as a respiratory care practitioner as defined in T.C.A. 63-27-102. (d) Violation of this rule regarding use of title shall constitute unprofessional conduct and subject the licensee to disciplinary action.

A discussion was held regarding the task force meeting held June 29, 2005 regarding respiratory delivery technicians. Marcie Poe and Lindsey Spurlock addressed the Board with concerns that this new rule would affect the Tennessee Sleep Society. John Williams, of the Tennessee Society for Respiratory Care clarified his position on the language of the rule and their proposed amendments to make it clear that this rule only pertained to home delivery personnel. That being said, Mr. Hunter made a motion, seconded by Ms. Brackett to accept the rulemaking hearing as amended. The motion carried unanimously by roll call vote.

Investigations and Disciplinary Report

Lea Phelps presented the disciplinary and investigative report. There was an initial carryover of thirteen (13) complaints from December, 2004 with seven (7) new complaint received in 2005. One (1) complaint was closed with a letter of concern. Six (6) complaints were sent to the Office of General Counsel leaving a total of thirteen (13) open complaints at the time of this meeting.

Tennessee Peer Assistance Program Report

Mike Harkreader, Director of TNPAP presented the report. For the period of July 1, 2005 thru October 20, 2005 there were a total of two (2) new referrals, one (1) of which has signed a monitoring agreement, making a total of six (6) being monitored at this time.

Administrator's Report

Tomica Walker presented the Administrator's report. Active current licensee totals are 1990 Registered Respiratory Therapists, 2017 Certified Respiratory Therapists, and 34 Respiratory Care Assistants. There is a benchmark of application processing time set for all Health Related Boards of 14 days for renewals and 100 days for initial applications.

We are exceeding our benchmark of 14 days processing time with regard to renewals with the average time of 3 to 4 days for both RRT's and CRT's and 7 days for RCA's.

We are not meeting the benchmark of 100 days processing time for initial licensure with 122 days being the average time for RRT's, and 105 being the average time for CRT's. This is due largely in part to RRT applicants having to be downgraded when they fail to take the RRT examination and subsequently must then be processed as a CRT. This adds to the processing time. Both RRT and CRT applicants who are issued a temporary permit are waiting until just before the permit expiration date to take the NBRC examination and this delays their being awarded full licensure until this requirement has been met.

For your information, ABG endorsement can now be accessed on the Internet verification system.

Board members were again reminded to obtain prior travel approval through the Administrative staff before making travel arrangements outside of the State of Tennessee in order to ensure reimbursement.

Correspondence

The Board received correspondence from Myra Hanna regarding her training in ABG analysis. The Board discussed the fact that Ms. Hanna having had training was not in question; but, that she has to meet the qualifications for ABG as they exist today (her previous med lab license will not suffice). After reviewing Ms. Hanna's new training, the Board granted her ABG endorsement. The motion carried.

The Board has assigned a task force to meet and discuss ways for a licensee to get ABG endorsement added to their license if it was not established at the time of initial approval. Tennessee does not have a stand alone ABG course that can be taken at this time.

Ratifications

A motion was made by Ms. Partee and seconded by Mr. Hunter to approve the following applicants for Registered Respiratory Therapists, Reinstated Registered Respiratory Therapists, Certified Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

There being no further business, the meeting was adjourned at 12:30 pm.

Candace Partee, Secretary

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